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| 10/647,210 | 08/26/2003 | Brian Scott Hallisey | 200206455-1 | 1934 |

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| EXAMINER |
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AUGUSTINE, NICHOLAS

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| ART UNIT | PAPER NUMBER |
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2179

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| NOTIFICATION DATE | DELIVERY MODE |
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03/25/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/647,210 | Applicant(s) HALLISEY ET AL. | |
| | Examiner NICHOLAS AUGUSTINE | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-13,18 and 20-25 is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 01/14/2011. This action is made **Final**.
- B. Claims 1-3, 5-18 and 20-25 remain pending.
- C. Previous Office action indicated claims 1-3 and 5-13 were allowed; claims 14-18 and 21-25 were rejected; and claims 19-20 were objected.

Allowable Subject Matter

1. Claims 1-3, 5-13, 18 and 20-25 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Independent claims 1 and 18, when considered as a whole, is allowable over the prior art of record. Specifically, the prior art of Gauvin teaches the limitation: “a display of connected computers, storage devices and a connection state in a graphic image represented in an area that can be overlapped by other areas”. But the claims recite a different combination of limitation (specifically claim 1): “illustrating at least two overlapping but separate hierarchies in the same mosaic-like graphic, each of said separate representing one or more of the relationships amongst the resources; and arranging said resources representing same type of resources into columns, wherein adjacent columns group different resources, and a row intersecting adjacent columns indicates relationships between particular resources of the respective column wherein

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the mosaic-like graphic depicts a logical unit number (LUN) occupying a rank in both of the two overlapping but separate hierarchies”, and (specifically from claim 18): preparing a graphic of at least two separate but overlapping hierarchies such that viewing the graphic in a first direction represents a first one of said separate but overlapping hierarchies in which ones of the first resource type report hierarchically to ones of the second resource type, and viewing the graphic in a second direction different from the first direction represents a second one of said separate but overlapping hierarchies in which ones of the first resource type report hierarchically to ones of the third resource type; and displaying the graphic, wherein the ,graphic is mosaic-like”, that is not suggested or shown by Gauvin.

The prior art of Anslow teaches another combination, “a rendering of device representations of a plurality of devices in a network and of connections between devices”, but does not suggest the limitation.

The dependent claims further add limitations to the allowable subject matter of the corresponding independent claims; thus are also allowable. Therefore the claims are allowed over the art because the claims differ in scope that is not seen or suggested by the prior art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims **14-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauvin, Francois et al. (US Pat. **7,315,985** B1), herein referred to as “**Gauvin**” in view of Kanevsky, Dimitri et al. (US Pat. **6,426,761** B1), herein referred to as “**Kanevsky**”.

As for **independent claim 14**, Gauvin teaches a method of controlling the relationships amongst resources of a system, wherein said resources are iconically represented and illustrated on a Graphical User Interface (GUI) (figure 4), comprising:

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manipulating a relationship of resources in said iconically illustrated system (fig.4, 8; col.23, line 7); and re-sizing (col.23, lines 10-13; amount of storage, hosts, etc...; col.17,line 58), in response to said manipulating, a surface area consumed on the GUI by said icons in proportion to a change upon respective ones of the resources, caused by the manipulating the relationship (col.23, line 15); wherein the relationship of the resources are shown in a hierarchical tree from (col.23, line 19) placement of icons in columns with resources of a same type being in a same column (col.16,line 36), and a resource is shown as being a child to separate hierarchical trees that depict storage resources (col.16,line 40).

Gauvin does not specifically teach wherein the surface area of the icons are resized according to the current allocation of storage resources; however in the same field of endeavor **Kanevsky teaches** wherein the surface area of the icons are resized according to the current allocation of storage resources (col.4, lines 12-16 and 43-45).

It would have been obvious to one of ordinary skill in the art to combine Kanevsky into Gauvin, this is true because Kanevsky is concerned with providing to the user with a graphical user interface for managing and presenting hierarchical information (col.1, lines 53-59; col.4,line 45; col.7, line 6. Gauvin also is concerned with displaying to the user a graphical user interface for presenting and managing hierarchical information (col.1,line 64; col.5,line 55).

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Examiner's suggestion: Add the allowable limitation from claim 1: "illustrating at least two overlapping but separate hierarchies in the same mosaic-like graphic, each of said separate representing one or more of the relationships amongst the resources" into claim 14; this amendment will render the claim 14 and 15-17 allowable over the prior art.

As for dependent claim 15, Gauvin teaches the method of claim 14, wherein said manipulating step comprises: interacting with at least one icon, representative of one said resource in said iconically illustrated system to initiate a change of at least one attribute of said represented resource (col.16, line 36, 40).

As for dependent claim 16, Gauvin teaches the method of claim 15, wherein said initiating step comprises: displaying, in response to said interaction step, attributes of said represented resource, wherein said attributes are changeable; and indicating changes to said at least one attribute through the operation of at least one peripheral device (col.17, line 58).

As for dependent claim 17, Gauvin teaches the method of claim 16. Gauvin does not specifically teach resizing icon according to storage capacity; however in the same field of endeavor Kanevsky teaches wherein the surface area of the icons are resized according to storage capacity (col.4, lines 12-16 and 43-57).

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It would have been obvious to one of ordinary skill in the art to combine Kanevsky into Gauvin, this is true because Kanevsky is concerned with providing to the user with a graphical user interface for managing and presenting hierarchical information (col.1, lines 53-59; col.4,line 45; col.7, line 6. Gauvin also is concerned with displaying to the user a graphical user interface for presenting and managing hierarchical information (col.1,line 64; col.5,line 55).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
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March 22, 2011